

APPOINTMENT OF COUNSEL

E-filing

Requests for Appointment of Counsel
3006A

CV 08 1482

MHP

(PR)

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FILED
MAR 17 PM 3:22
RICHARD W. VICKING
CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

JEFF A. HAWKINS
Name

3.9.08
Date,

PELICAN BAY STATE PRISON
Address

P.O. BOX 7500
post box

CROSCENT CITY, CA 95532
City and State

Jeff Hawkins,

Petitioner,

v.

R. Horal, et, al.,
(warden)

Respondent ,

case no.

Motion: Request For
Appointment of
Counsel,
Rule: 3006A

Petitioner, Jeff Hawkins In the above Intitlement is in the process of filing a writ of Habeas Corpus, Pursant to U.S.C. 28 2254 18 u.s.c.3006a Request for the Appointment of Counsel. The decision of Appointment of Counsel by the court is of coures of discertionary, in the ongoing litigations in review of this court in this case.

The petitioner suffer from a mental condition paranoid and has a history of paranoid schizophrenia in which has included multiple hospitalizations and medications. see; Documents

The petitioner has the inability to articulate and process his claim correctly for the court to review this matter and to properly conduct the Investigation need by the courts. Inwhich will requiry numerous legal complexities in this case and the proced-uarl requirements of the court.

The constitutional significance addressed in this petition also justifies Appointment of counsel in this case.

Request for the Appointment of Counsel as in Chaney v. Lewis,
801 F 2D 1191,1196,
(9th cir. 1986).

The court have made the Appointment of Counsel the exception rather than the rule by limited it to:

1. Capital cases
2. Cases that turn on substantial and the complex procedures,
3. Legal and mixed legal and factual questions,
4. Cases involving Education or Mentally Ill or the physically Impairment of the petitioner,

Petitioner, is a lay men at the law and in need of the assistance of counsel, to be able to properly comply with the court order, during the filing process Federal levels of review petitioner realizes his burden of showing the court the Extraordinary circumstances in which henders petitioner from filing his claims, correctly with the courts.

Due to law library limited time inmates to gain the proper access to the law library materials and other resoures available to the inmates who maybe preparing their case may only gain this kind of access at most two hours 7-10 days due to facility security, to motion for counsel is submitted in the interests of justice..

A. Evidence of mental disease disease, or and mental defect, mental disorder shall not be admitted to show or negat the capacity to form any mental state, including, but not limited to purpose, intent knowledge, premeditation, deliberation or malice aforethought with which accused committed the act.

PENAL CODE SECTION 28 Evidence of mental disease,,
mental defect or mental Disorder

B. As a matter of public policy there shall be on defense of the diminished responsibility, or irresistible impulse in a criminal action or juvenile adjudication hearing.

C. This section shall not be applicable to an insanity hearing pursuant to section 1026.

D. Nothing in this section shall limit a court's discretion pursuant to the evidence code, to exlude psychiatric or the psychological evidence on whether the accused had a mental disease, mental defect, or mental disorder at the time of the, alleged offense.

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Action Requested:

Petitioner request the court to review petitioner claims and consider the mental defects in, the petitioner has exhibited to the courts reviewing the writ of habeas corpus.

Petitioner is a laymen at the law with little or no understanding concerning the law and lacks the inability to correctly file the claims as mention above.

Wherefore, Appointment of Counsel should be appointed in the ongoing matter by the reviewing court's.

THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

3.09.08

Dated:

Debra J. Hawkins
Signature;

PROOF OF SERVICE BY MAIL

(C.C.P. Sec. 101a #2015-5, U.S.C. Sec. 1746)

I, Jeff Hawkins, am a resident of Pelican Bay State Prison, in the County of Del Norte, State of California. I am over the age of eighteen (18) years and am a party to this action.

My State Prison address is: Pelican Bay State Prison, P.O. Box 7500, Housing Unit A-6- ²⁰⁵ Cell Number 7500 Crescent City, CA 95532-7500.

On the 9 day of March 2008, I served the following (set forth the exact title of document[s] served):

Request for motion of counsel

Appointment of counsel

On the party(s) herein by placing a true copy(s) thereof, enclosed in a sealed envelope(s), with postage thereon fully paid, in the United States mail, in a receptacle so provided at Pelican Bay State Prison, Crescent City, CA 95532, and addressed as follows:

United States District Ct.

for Northern District CT.

450 Golden Gate Av. Box 36060

San Francisco, Ca. 94102

I declare under penalty of perjury that the foregoing is true and correct:

Jeff Hawkins
Inmate Signature

March 9, 2008.

Date